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**MAY 23 2006**

**OFFICE OF PETITIONS**

In re Patent No. 7,011,498  
Issued: March 14, 2006  
Application No. 10/051,304  
Filed: January 22, 2002  
Atty. Dkt. No.: 13232.00023

: DECISION REGARDING PTA  
: and NOTICE OF INTENT TO ISSUE  
: CERTIFICATE OF CORRECTION  
:  
:  
:

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed March 31, 2006.

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is hereby **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,011,498 on March 14, 2006. The patent issued with a PTA of 417 days. The instant application for PTA was timely filed March 31, 2006. Patentees argue that the adjustment of 488 set forth in the Determination of Patent Term Adjustment under 35 USC 154(b) mailed October 4, 2005 was improperly reduced 71 days in connection with a "MISCELLANEOUS INCOMING LETTER" filed January 3, 2006.

Review of the application history reveals that patentees are correct. The Adjustment of 488 days set forth in the Determination of Patent Term Adjustment was improperly reduced 71 days, as argued by patentees.

The "MISCELLANEOUS INCOMING PAPER" filed January 3, 2006 was in fact a notification of change of entity status. Notification of a change of entity status is not a failure to engage in reasonable efforts to conclude prosecution (or processing) within the meaning of 37 CFR 1.704(c)(10). See, MPEP 2732 and *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001).

Thus, at the time of issuance, the patent was entitled to an adjustment of 488 days, as argued by patentee.

Receipt is hereby acknowledged of the required application fee of \$200.00. The request for refund of the application is hereby dismissed as submission of the application fee is a prerequisite to treatment on the merits for any application submitted pursuant to 37 CFR 1.705 and is not subject to refund.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 488 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

Day : Monday  
Date: 5/22/2006

Time: 12:36:36

**PALM INTRANET**

PTA Calculations for Application: <u>10/051304</u>			
Application Filing Date:	<u>01/22/2002</u>	PTO Delay (PTO):	<u>579</u>
Issue Date of Patent:	<u>03/14/2006</u>	Three Years:	<u>0</u>
Pre-Issue Petitions:	<u>0</u>	Applicant Delay (APPL):	<u>162</u>
Post-Issue Petitions:	<u>0</u>	Total PTA (days):	<u>488</u>
PTO Delay Adjustment:	<u>71</u>		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
55	05/22/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	71		
50.5	02/22/2006	PTA 36 MONTHS			
50	03/14/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
49	01/25/2006	EXPORT TO FINAL DATA CAPTURE			
48	01/24/2006	DISPATCH TO FDC			
47	01/16/2006	FINISHED INITIAL DATA CAPTURE			
46	01/03/2006	MISCELLANEOUS INCOMING LETTER		71	
45	01/13/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
44	01/03/2006	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
43	01/03/2006	ISSUE FEE PAYMENT VERIFIED			
42	01/03/2006	ISSUE FEE PAYMENT RECEIVED			
41	10/11/2005	EXPORT TO INITIAL DATA CAPTURE			
40	10/04/2005	MAIL NOTICE OF ALLOWANCE			
39	10/03/2005	ISSUE REVISION COMPLETED			
38	10/03/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
37	10/03/2005	NOTICE OF ALLOWABILITY			
36	08/15/2005	CORRESPONDENCE ADDRESS CHANGE			
35	08/15/2005	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
34	08/15/2005	DATE FORWARDED TO EXAMINER			
33	08/02/2005	RESPONSE AFTER NON-FINAL ACTION		91	27
32	08/02/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
		INCOMING LETTER PERTAINING TO THE			

31	01/27/2005	DRAWINGS			
30	03/17/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
29	02/11/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
27	02/03/2005	MAIL NON-FINAL REJECTION			
26	02/02/2005	NON-FINAL REJECTION			
25	01/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
24	12/02/2004	DATE FORWARDED TO EXAMINER			
23	11/22/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
22	11/22/2004	WORKFLOW INCOMING AMENDMENT IFW			
21	10/21/2004	MAIL RESTRICTION REQUIREMENT	579		-1
20	10/20/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
19	05/21/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
18	05/21/2003	NEW OR ADDITIONAL DRAWING FILED			
17	05/25/2004	CORRESPONDENCE ADDRESS CHANGE			
16	05/25/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
15	04/16/2004	TRANSFER INQUIRY TO GAU			
14	04/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	08/25/2002	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
12	08/20/2002	CASE DOCKETED TO EXAMINER IN GAU			
11	06/28/2002	APPLICATION DISPATCHED FROM OIPE			
10	06/11/2002	APPLICATION IS NOW COMPLETE			
9	05/21/2002	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
8	05/21/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	05/21/2002	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
6	02/21/2002	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	02/15/2002	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
3	02/08/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	01/30/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			

1	01/22/2002	INITIAL EXAM TEAM NN				
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Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

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UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,011,798 B2  
DATED : March 14, 2006  
INVENTOR(S) : Vos, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 417 days

Delete the phrase "by 417 days" and insert – by 488 days--